

Lyew, Sandra

August 28, 2015

1

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

DAVID M. DAUGHERTY,

Plaintiff,

v.

CIVIL ACTION
NO. 5:14-24506

EQUIFAX INFORMATION SERVICES, LLC
and OCWEN LOAN SERVICING, LLC,

Defendants.

30(b)(6) DEPOSITION UPON ORAL EXAMINATION
OF SANDRA LYEW
TAKEN ON BEHALF OF THE PLAINTIFF

Virginia Beach, Virginia

August 28, 2015

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

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August 28, 2015

19

1 **A. That's correct.**

2 **Q. If a dispute originated from a**
3 **third-party that was authorized to file that dispute,**
4 **would they get the dispute resolved?**

5 **A. All parties should receive it. The**
6 **borrower should receive, as well as the third-party.**

7 **Q. And so -- okay. So when the credit**
8 **reporting agency initially makes the dispute with**
9 **OCWEN, is there a different process? Does it go to**
10 **the research department?**

11 **A. No, because the credit agency went**
12 **directly to the credit reporting department. They**
13 **use a separate system to do their communications**
14 **regarding the dispute.**

15 **Q. What system is that?**

16 **A. e-Oscar.**

17 **Q. So what form comes to the credit**
18 **reporting department through e-Oscar?**

19 **A. e-Oscar is an ACDV.**

20 **Q. Is it always automated or is there ever**
21 **just a regular consumer dispute verification form**
22 **sent, a paper form sent?**

23 **A. No. Everything is through the system.**

24 **Q. Strictly automated?**

25 **A. Yes.**

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Lyew, Sandra

August 28, 2015

26

1 A. Yes. And they communicate right -- they
2 communicate through e-Oscar.

3 Q. Is there a separate form from the ACDV
4 that OCWEN responds to the ACDV with?

5 A. Everything is automated through the
6 system, so based on their response, OCWEN's response,
7 back to the credit agency is through e-Oscar.

8 Q. Is that on the same ACDV form or is
9 there a separate form generated?

10 A. It's in the system, so it could be under
11 the ACDV section it responds back to -- so the ACDV
12 is basically a screen through their system.

13 Q. Their being the credit reporting
14 agency's --

15 A. Yes.

16 Q. -- e-Oscar system?

17 A. e-Oscar system.

18 Q. So OCWEN receives an ACDV from, for
19 instance, Equifax, and do they just fill in that same
20 form online with their response or do they generate a
21 new form or something substantive, besides that form,
22 in their response?

23 A. Everything is based on how the ACDV came
24 in. And it's responded through the same ACDV.

25 Q. And is that true regardless of outcome

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Lyew, Sandra

August 28, 2015

46

1 it's not in our business records.

2 Q. Okay. And in some business records that
3 I reviewed from OCWEN the response to the ACDV was
4 included, but not all of them, which is why I'm going
5 to try to go back and forth between the comment log,
6 Equifax. And then when we have OCWEN's response
7 forms, we'll go over those, as well.

8 A. Okay.

9 Q. But are you familiar generally with the
10 Automated Consumer Dispute Verification form?

11 A. No. Oh. You mean the AUD form?

12 Q. The ACDV form.

13 A. The ACDV form? Yeah. I've learned to
14 become familiar with it.

15 Q. Is this significantly different from
16 what OCWEN uses?

17 A. No. Again, it's used -- they use a
18 system e-Oscar. That's how all the agencies report
19 or send their disputes or verifications or consumer
20 disputes to the consumer -- to the debtors like us.

21 Q. So --

22 A. I'm sorry. You may want -- if you're
23 going to show this, you might as well show the AC --
24 the e-Oscar ACDV form. That's how you can -- it
25 mirrors and matches.

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Lyew, Sandra

August 28, 2015

47

1 Q. And I'll show you what we've been
2 provided.

3 A. Okay.

4 Q. This came from Equifax. Like I said, I
5 don't recall seeing the response form from OCWEN to
6 this specific dispute. Other disputes in here we're
7 going to go over. OCWEN's response forms are
8 included and attached. And we'll go over that, as
9 well. On this specific one, I didn't find that.

10 A. It's there.

11 Q. I'm going to look over this. It says
12 the date created was March 19th, 2013.

13 A. Okay.

14 Q. What does the control number above that
15 refer to?

16 A. It says 99993078032699088.

17 Q. Is that something OCWEN created or
18 something Equifax would have created?

19 A. This is a control number, so it came
20 from Equifax. And OCWEN has noted the same number,
21 in their note log, being received, on page 1664 in
22 the bottom.

23 Q. And the subscriber code, is that
24 referring to OCWEN or is that --

25 A. This is their subscriber code.

TRADE

AUTOMATED CONSUMER DISPUTE VERIFICATION

EQUIFAX CREDIT INFORMATION SERVICES

Control Number	99991078032699088	Dispute 1	[001] NOT HIS/HERS. PROVIDE COMPLETE ID
Origin NCR	EFX	Dispute 2	[007] DISPUTES CURRENT/PREVIOUS ACCOUNT STATUS/PAYMENT HISTORY PROFILE/PAYMENT RATING. VERIFY PAYMENT HISTORY PROFILE, ACCOUNT STATUS, AND PAYMENT RATING
Date Created	03/19/2013	FCRA Request Information STATES CONTACT ALBERT OR TONY GILL	
Subscriber Code	365F501690		
Account Number	7092244537		
Originator Name	Ocean Loan Servicing, LLC		
Responder Name	HARTSH RAO		
Response Code	561-682-7675		
Response Date	03/20/2013		
Verified As Reported	<input checked="" type="checkbox"/>	Delete Account	<input type="checkbox"/>
Delete Fraud	<input type="checkbox"/>		
Reported Consumer Identity			
Name	DAUGHERTY DAVID M	Single	<input checked="" type="checkbox"/>
AKA/FN		Modified Consumer Identity	<input type="checkbox"/>
Address	35 VALLEY VIEW DR 35, VIENNA, WV 26105	Name	DAUGHERTY DAVID
City	PO BOX 816 PARKERSBURG, WV 26102	AKA/FN	
SSN	232-04-9020	Acct	35 VALLEY VIEW DR, VIENNA, WV 26105-327
DOB	12/14/1957	Prev	
Phone	304-295-6161	DOB	232-04-9020
		Phone	304-295-6161
Account Info			
ECOA	1	Date Open	08/1999
High Credit	1	Current Balance	\$1,000.13
Original Charge-Off	10/2011	Last Payment Date	01/2012
Activity Designator	Invalid activity design '2'	Creditor Classification	
Terms Duration	30	Term Frequency	Monthly
Orig of Account Info	03/2012	Sched Month/Pmt	\$1,077
Consumer Info Indicator		Pmt Hist Months 13-21	3239
Compliance Condition Code		Pmt Hist Months 25-36	
Special Comment Code		Pmt Hist Months 37-46	
Account Status		Pmt Hist Months 48-60	
Payment Rating		Pmt Hist Months 61-72	
		Pmt Hist Months 73-84	
Purchase Indicator			
Actual Payment			
Deferred Pay Start Date			
Balloon Payment			
Balloon Pay Due Date			
Mortgage ID Number			

Printed 07/23/2014

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Page 21

EXHIBIT

WIT:

DATE:

P. Wile, RPR, RMR, CHR

TRADE

AUTOMATED CONSUMER DISPUTE VERIFICATION

EQUIFAX CREDIT INFORMATION SERVICES

Control Number 99993078032699087		Dispute 1 [001] NOT HIS/HERS. PROVIDE COMPLETE ID	
Origin NCRA	EFX	Bureau Code 9999	
Date Created 03/19/2013		Response Due 04/10/2013	
Subscriber Code 465FS01690			
Account Number 7092244537			
Grantor Name Owen Loan Servicing, LLC			
Respondent Name Raj Kumar			
Respondent Phone 561-682-7675		Response Date 03/20/2013	
Response Code [X] Verified As Reported		Modify As Shown	
Reported Consumer Identity		Delete Account	Delete Fraud
Name DAUGHERTY DAVID M	SSN	Modified Consumer Identity	
AKAFH		DAUGHERTY DAVID M	
Addr 35 VALLEY VIEW DR 35, VIENNA, WV 26105			
Prev PO BOX 816, PARKERSBURG, WV 26102			
SSN 232-04-9020			
DOB 12/14/1957			
Phone 304-295-6161			
Account Type	ECOA	Type & Rate	Narratives
26	I	07/1399	(271)
Credit Limit	High Credit	Current Balance	
	\$100860	\$83111	
Original Charge-Off	Date 1st Delinquency	Last Payment Date	
		01/2013	
Activity/Designator			
[1] Invalid activity_design '1'			
Terms Duration	Term Frequency	Original Classification	Purchased Sold To Name/Original Creditor
30	[M] Monthly		
Date of Account Info	Pmt Hist Months 1-12	Sched Monthly Pmt	Actual Payment
01/2013	--000000104	\$980	\$980
Consumer Info Indicator	Pmt Hist Months 13-24	Deferred Pay Start Date	Balloon Payment
	3238		
Compliance Certification Code	Pmt Hist Months 25-36	Pmt Hist Months 37-48	Pmt Hist Months 49-60
Special Comment Code	Pmt Hist Months 61-72	Pmt Hist Months 73-84	
Account Status	[11] Current account		
Payment Rating	[0] Current account		